IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 378 of 1984

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

GOPALDAS KANAIYALAL RAHANI

Appearance:

1. First Appeal No. 378 of 1984

MR MD PANDYA for Petitioner No. 1

MR RR MARSHALL for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE A.L.DAVE

Date of decision: 19/06/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

In this appeal the challenge is against the quantum of compensation awarded to a living victim of the accident by Motor Accident Claims Tribunal (Main), Surat in MACP No. 416 of 1981, in which an injured victim who has sustained permanent partial disablement to the extent of 52% in the working of whole body on account of accident, came to be awarded only Rs. 95,000/- against the claim of Rs. 1,50,000/-.

2. After having heard learned Counsel for the parties and considering the facts and circumstances emerging from the record and the relevant proposition of law and the celebrated principles of law of tort, we are of the opinion that the amount of compensation awarded by the Tribunal to the tune of Rs. 95,000/- for the accident resulting in injuries and permanent disablement caused to the original claimant - respondent before us is very reasonable looking to the period of treatment and the effect to the future prospects of the victim. The Tribunal on the contrary appears to have shown conservative approach. However, in absence of any cross appeal, we have to raise our hands in helplessness and to dismiss this appeal being meritless. Appeal therefore stands dismissed with costs.

(J.N.Bhatt, Acting C.J.) (A.L.DAve, J.)

*/Mohandas